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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,509	03/17/2004	Morten Middelfart	U 015082-1	3977

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EXAMINER	
HILLERY, NATHAN	
ART UNIT	PAPER NUMBER
2176	

DATE MAILED: 07/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/802,509	MIDDELFART, MORTEN	
	Examiner	Art Unit	
	Nathan Hillery	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 March 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *17 March 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *9/17/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: Preliminary Amendment filed on 4/14/04.

2. Claims 1 – 20 are pending in the case. Claims 1, 15 – 17 are independent.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 17 – 20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 17 – 20 are considered software per se. A claim to functional descriptive material, including computer programs, per se, is not patent eligible subject matter. It should be noted that functional descriptive material claimed in combination with an appropriate computer readable medium to enable the functionality to be realized is patent eligible subject matter if it is capable of producing a useful, concrete and tangible result when used in the computer system.

5. Further, to expedite a complete examination of the instant application the claims rejected under 35 U.S.C. 101 (nonstatutory) above are further rejected as set forth below in anticipation of applicant amending these claims to place them within the four statutory categories of invention.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1 – 20 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Abualsamid [as cited by Applicant].

8. Regarding claim interpretation it should be noted that the Office has interpreted the dynamic webpage presentation of Abualsamid to read on the claimed data report, since the specification discloses that the data report can thus be arranged as a container of the presentation objects. Different presentation objects can be arranged in the container, e.g. a list object (p 15, lines 7 – 14). The Office has interpreted a list of questions like that of a survey to read on the disclosed list object. Further, the specification discloses that in a preferred embodiment, a user can request data by means of the input text box. From a user's perspective this question constitutes a query to the database (p 15, last paragraph).

9. **Regarding claim 1**, it should be noted that the form of Abualsamid is equivalent to the claimed **data report**; the variable to the claimed **data item**; the PHP code to the claimed **metadata**; the actual number of questions to the claimed **dimension, dimension value, or measure**; the form input elements or input text boxes to the claimed **graphical elements**, since the specification discloses that the parser is

arranged to parse an input i.e. a question or query received by means of the input box to identify data items, associations of data items and dimension levels and criteria, if any. Alternatively, when a user requests further data by an action directed directly to a figure or element of the data report, metadata applicable to the data item of the figure or element can be retrieved or deduced to be provided as identified items (p 19, lines 1 – 7). It should further be noted that PHP code has been interpreted as metadata, since the PHP code is simply data that describes the data of the form in the HTML webpage, and metadata is simply data about data.

Accordingly, Abualsamid teaches that PHP or hypertext preprocessor can produce a simple form to collect user input via form input elements (p 58, top – 60, column 1, first paragraph), which meets the limitation of **displaying a data report which contains a collection of graphical elements**. All of the form input elements are readily available as variables (p 58, top – 60, column 1, first paragraph), which meets the limitation of **where a graphical element is bound to a data item**. The PHP code can access the variables (p 58, top – 60, column 1, first paragraph), which meets the limitation of **where a data item is specified by metadata**. The variables can be the number of questions (p 58, top – 60, column 1, first paragraph), which meets the limitation of **where the metadata comprises one or more of a dimension, a dimension value, and a measure**.

It should be noted that the inputting of data is equivalent to the claimed **in response to a user's directed action to the given graphical element**. It should be noted that an element of the 2D array of Abualsamid is equivalent to the claimed **identified measure or dimension**. Further, values input by the user are inserted into the database by associating the user's input with the variables represented by the form input elements. Accordingly, Abualsamid teaches that PHP passes all the form input values to the PHP script. Two nested loops generate the form input elements needed to collect all the info. PHP allows those variables to be named using 2D array notation. After all the data are collected, it inserts the values into the database (p 60, column 2, last paragraph – p 61, first column), which meets the limitation of **in response to a user's directed action to the given graphical element, determining at least one association, of a dimension and a measure, by identification of measures and dimensions in the applicable metadata and identification of associations thereof and/or addition of a dimension or measure to an identified measure or dimension**.

It should be noted that the ID of Abualsamid is equivalent to the claimed **association**; the HTML form to the claimed **presentation properties**; the select statement to the claimed **searching**. Users enter the ID of a survey and that ID is matched with an element in the database, which is associated with a certain HTML form, or presentation properties, which are retrieved and displayed. Accordingly, Abualsamid teaches that users can take and complete the survey. Users key in the ID of the survey, and the application performs a select statement against the database (p 61, second column,

penultimate paragraph), which meets the limitation of **searching for a stored, like association**. A loop on the result set generates an HTML form (p 61, second column, penultimate paragraph), which meets the limitation of **where stored associations are related to stored presentation properties**. The result set generates an HTML form with elements for every question. The form gets submitted to a final PHP script that takes the answers and inserts them into an Answers table (p 61, second column, penultimate paragraph), which meets the limitation of **applying the related presentation properties to make a presentation of further data items which are specified by the determined at least one association**.

10. **Regarding claim 2**, Abualsamid teaches that users key in the ID of the survey, and the application performs a select statement against the database. A loop on the result set generates an HTML form with elements for every question. The form gets submitted to a final PHP script that takes the answers and inserts them into an Answers table (p 61, second column, first and third full paragraphs), which meets the limitation of **making a presentation confined to a subset of the further data items, which subset is specified by the determined association and a dimension value in the applicable metadata**. It should be noted that the result set of Abualsamid is equivalent to the claimed **subset**; the ID to the claimed **dimension value**.

11. **Regarding claim 3**, Abualsamid teaches that the code can access the variables $survey_name, $survey_description, and $survey_questions (p 58, top – 60, column 1,

first paragraph), which meets the limitation of **wherein the further data items are additionally specified by a dimension value**. The code can access the variables $survey_name, $survey_description, and $survey_questions (p 58, top – 60, column 1, first paragraph) and PHP passes all the form input values to the script. A variable called $check_box holds the input values (p 60, column 2, last paragraph – p 61, first column), which both meet the limitation of **wherein the presentation properties are divided into a first group and a second group**. The code can access the variables $survey_name, $survey_description, and $survey_questions (p 58, top – 60, column 1, first paragraph), **wherein properties of the first group are applied to the further data items as specified by the determined, at least one association**. PHP passes all the form input values to the script. Two nested loops generate the form input elements needed to collect all the information. PHP allows those variables to be named using 2D array notation. A variable called $check_box[0][1] holds the input value. After all the data are collected, it inserts the values into the database (p 60, column 2, last paragraph – p 61, first column), which meets the limitation of **wherein properties of the second group are applied to a subset of the further data items as further specified by a dimension value of the applicable metadata**. It should be noted that the group, $survey_name, $survey_description, and $survey_questions of Abualsamid is equivalent to the claimed **first group**; the $check_box to the claimed **second group**.

12. **Regarding claim 4**, Abualsamid teaches that users key in the ID of the survey, and the application performs a select statement against the database. A loop on the

result set generates an HTML form with elements for every question. The form gets submitted to a final PHP script that takes the answers and inserts them into an Answers table (p 61, second column, penultimate paragraph), which meets the limitation of **in case a stored, like association is not found, generating presentation properties; and relating the generated presentation properties to the determined association**.

13. **Regarding claim 5**, Abualsamid teaches that a list of questions can be created for users to answer, each with a question type. This application lets users create free text questions or multiple-choice questions. The multiple-choice questions can accept either one answer using radio buttons or multiple answers using check boxes (p 60, first column, first full paragraph), which meets the limitation of **the report is configured with a tool providing a user with controls for manipulating presentation properties according to either one of the following steps in response to a user's action: selecting a presentation object from a collection of presentation objects and selecting graphical properties of the selected presentation object; or changing an applied presentation object and/or selecting graphical properties of the applied presentation object**. It should be noted that the multiple-choice questions of Abualsamid is equivalent to the claimed **applied presentation object**; the radio buttons and/or check boxes to the claimed **graphical properties**.

14. **Regarding claim 6**, Abualsamid teaches that PHP 4 compiles all the code in a page before executing it. PHP detects a "syntax error" at compile time and not at run

time (p 61, second column, last paragraph – p 62, first paragraph), which meets the limitation of **determining whether an identified measure or dimension or association thereof can be deemed to be incomplete, and in that event searching for stored, like metadata with associated presentation properties, in which the deemed incomplete metadata are comprised**.

15. **Regarding claim 7**, Abualsamid teaches that the application lets users take and complete the survey. Users key in the ID of the survey, and the application performs a select statement against the database. A loop on the result set generates an HTML form with elements for every question. The form gets submitted to a final PHP script that takes the answers and inserts them into an Answers table (p 61, second column, penultimate paragraph), which meets the limitation of **determining whether the determined association can be deemed to be different from stored associations, and in that event searching for a stored association with related presentation properties, in which a measure or dimension of the determined association is comprised; and applying the presentation properties related to the stored association, which comprises the dimension or the measure, to make the presentation**.

16. **Regarding claim 8**, Abualsamid teaches that PHP takes care of passing all the form input values to your script. Two nested loops generate the form input elements needed to collect all the information. The outer loop iterates through the questions,

generating form input elements for the text of each question. The inner loop iterates through the multiple choices per question thus generating form input elements for the text of each choice. PHP 4 allows those variables to be named using 2D array notation. A variable called $check_box[0][1] holds the input value. Since that variable is an actual array element, a nested loop can iterate through all its elements (p 60, column 2, last paragraph – p 61, first column), which meets the limitation of **determining multiple associations based on retrieving associations wherein a dimension identified in the applicable metadata is a constituent to thereby discover multiple measures which each forms an association in combination with the identified dimension**.

17. **Regarding claim 9**, Abualsamid teaches that all form variables from the previous form appear immediately in the new script. Also, the three hidden input elements in the new form ensure that the $survey_questions, $survey_name, and $survey_description variables are carried across without any special code or logic to handle them. The loop generates one select statement and one text input for every question in the survey. Users specify the type of the question and the number of choices available per question (p 60, second column, last full paragraph), which meets the limitation of **for a determined association, determining predefined combinations of preferred presentation objects, and for each combination, applying the related presentation properties to make a presentation of further data items by means of the preferred presentation objects**.

18. **Regarding claim 10**, Abualsamid teaches that PHP 4's Session Management interface registers form variables as session variables, and all the information is accessible in all PHP scripts invoked in that same session. The information is then carried over in the form's request collection from one page to another (p 60, first column, last paragraph – second column, first paragraph), which meets the limitation of **at a first point in time, registering an application of a presentation object to an association to retrieve that object as a preferred presentation object for a determined association at a later point in time**.

19. **Regarding claim 11**, Abualsamid teaches that all the data can be inserted using code similar to MySQL. By making the ID an auto_increment primary key, MySQL provides the last inserted ID using the PHP function that inserts the ID into MySQL (p 61, second column, second full paragraph), which meets the limitation of **registering a count of application of a presentation object to a given association; applying a presentation object with a relatively high count as**. It should be noted that the last inserted ID of Abualsamid is the claimed **preferred presentation object**.

20. **Regarding claim 12**, Abualsamid teaches that PHP processes information sent by users such as the values of complex form selects. Listing One produces a simple form to collect user input. All of the form input elements are readily available as variables in the script (p 58, top – 60, column 1, first paragraph), which meets the limitation of **specific metadata that applies to the data item bound to a given**

graphical element is determined by a framework of the report layout. It should be noted that the PHP of Abualsamid is equivalent to the claimed **framework**.

21. **Regarding claim 13**, Abualsamid teaches that with its simple database interface, you can efficiently store the information in the database and carry over a survey ID from one request to another. Whenever the information is needed, it can be picked up from the database (p 60, column 1, penultimate paragraph), which meets the limitation of **values of the data items are obtained by transmitting a request to a dataset or retrieved from the request itself**.

22. **Regarding claim 14**, Abualsamid teaches that the web server invokes the PHP engine to process the PHP code before it sends the output to the browser with whatever HTML is already on the page. The browser sees only an HTML. PHP can create an electronic survey application that can be hosted on servers and used by remote clients (p 56), which meets the limitation of **from a client computer, sending a request for the data report to a web server**.

23. Abualsamid teaches that regardless of its place in the file, all PHP code gets executed on the server before the HTML page is generated. The print function is used to generate output that will become part of the final HTML sent to the browser (p 60, second column, first full paragraph), which meets the limitation of **at the web server, processing the request and sending information to the client for it to render the**

data report; in addition to determining the at least one association in response to a user's directed action, sending a request to the web server with the determined association for the web server to perform the search for a stored, like association related to stored presentation properties, and to retrieve the further data items; and from the web server, sending the further data items and the presentation properties to the client for it to apply the related presentation properties. It should be noted that the particular details of the limitations were addressed in claim 1 and that the cited passage(s) relied upon here are simply to illustrate that those limitations occur on the server and/or client.

24. **Regarding claims 15 – 17**, the claims incorporate substantially similar subject matter as claim 1 and are rejected along the same rationale.

25. **Regarding claims 18 – 20**, the claims incorporate substantially similar subject matter as claim 14 and are rejected along the same rationale. It should be noted that the limitations of claim 18 are performed in a first individual software application on the server and the limitations of claim 19 are performed in a second individual software application on the client as outlined in claim 20.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Hillery whose telephone number is (571) 272-4091. The examiner can normally be reached on M - F, 10:30 a.m. - 7:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R. Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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